



## SOUTHERN PARK COUNTY FIRE PROTECTION DISTRICT

### Minutes for January 9, 2014 Special Board Meeting

#### 1) Visitors:

|                        |                   |                        |
|------------------------|-------------------|------------------------|
| Richard Ballinger      | Stephen Klingler  | Geri Salsig            |
| Bill Betz              | Sue Laupp         | Diana D. Sheffel       |
| Betty Cain             | Barbara Light     | William E. Sheffel     |
| Jim Cain               | Jessica Mason     | Elisa Simpson          |
| Gail Carver            | Mary Ann Melvin   | Michael D. Simpson     |
| Marion Carver          | Ron Melvin        | Jim Smith              |
| Jason Chaplin          | Karyn Miller      | Randy Stewart          |
| Mary Curtis            | Jim Moehle        | Dan Sullivan           |
| Don Davis              | Jose Montero      | Sonia Sullivan         |
| Michelle Disque        | Pam Moore         | James R. Tubbs CSM RET |
| Marshall L. Dunn Sr.   | Linda Parrish     | Carol Todd             |
| Lawrence Epps          | Mike Parrish      | Ric Turley             |
| Pat Erick              | Dana Peters-Moore | Nancy Vasquez          |
| Eugene Farmer          | Dean Piele        | Dave Wade              |
| Norma Farmer           | Mary Reppard      | Jean Shelton-Wade      |
| Mark Francis           | David Rhodus      | Rachel Wickersham      |
| Karen Frerichs         | Shelly Ridderman  | Steve Wilson           |
| Bonnie Gibeson         | Donna Rodriguez   | James Yoder            |
| Denny Gibeson          | Joe Rodriguez     | Bob Zawacki            |
| Harry Clay Gintzer III | Frank Ruvo        | Jimmie Zawacki         |
| Richard Horne          | K.C. Ryder        |                        |
| Linda Griffith         | Michael Ryder     | Deputy J. Lizakowski.  |
| Mark Griffith          | Lisa Ann Sackaris |                        |
| Donovan Johnson        | Sunnie Sacks      |                        |

- 2) **Attendees:** Board members present are Amy Mason, Anita Long, Flip Boettcher, Gene Stanley, Jim Ivey and Secretary to the Board Roberta Smith. Department members present are Acting Chief Aaron Mandel, PIO Rita Baysinger, Don Rocksted and Steven Rizzio. Auxiliary member present is Mike Brandt. SPCFPD Attorney Mike Fredregill.
- 3) **Call to Order:** Meeting called to order at 7:05PM by Chairwoman Amy Mason.
- 4) **Approval of Agenda:** Amy Mason states she would like to make a correction to the Agenda's with dual dates and that the correct date should be January 9, 2014. Amy Mason motions to approve the

Agenda as submitted and Flip Boettcher seconds the motion. No further discussion. Vote is unanimous.

- 5) **Report from Designated Election Official, Mary Ann Melvin:** Amy Mason gave Mary Ann the Oath for the position of DEO. Amy noted that a Notary, Steve Klingler, is in attendance. Mary Ann gave a report on the Special District Election of the Southern Park County Fire Protection District which will be held on May 6, 2014. Please note that the Designated Election Official's Report, Revised will be attached to these minutes. Please see the report for the details of the election, self nomination, self nomination forms, calls for nominations on February 5, 2014 and where the calls for nomination are posted, pertinent dates, pertinent mailing address, and contact information for Mary Ann Melvin, DEO. Please see [www.guffeyfire.net](http://www.guffeyfire.net) for other information pertaining to Board Positions to be voted upon in May 2014.
- 6) **Appointment of New Board Member:** Chairwoman Mason states the following; "On January 9, 2014 pursuant to CRS-32-1-905 (3) the Board of Directors of SPCFPD appoints the eligible electorate to fill the recent vacancy on the SPCFPD Board of Directors with Jim Ivey." Flip Boettcher motions to appoint Jim Ivey to the SPCFPD and Gene Stanley seconds the motion. No further discussion. Vote is unanimous.
- 7) **Oath of Office:** Chairwoman Mason states this appointment will expire at the next Special District Election in May of 2014. Gene Stanley is administered the Oath of Office by Amy Mason. Gene repeats the Oath as it is administered. Jim Ivey is administered the Oath of Office by Amy Mason and Jim repeats the Oath as it is administered. Amy Mason reads a letter from Anita Long who is rescinding her previous resignation which was to be effective on February 6, 2014. Anita is now stating that she will serve the balance of her term which expires in May 2014.
- 8) **Approval of Minutes for January 2, 2014 Public Board Meeting:** Anita Long motions to accept the Minutes for January 2, 2014 Public Board Meeting as submitted and Flip Boettcher seconds the motion. No further discussion. Vote is unanimous. Motion passes.
- 9) **Board Communication:** Chairwoman Mason read a statement dated January 7, 2014 regarding the termination of Mike Simpson which summarized the reasons he was terminated as well as the Southern Park County Fire Protection District's Mission Statement. Amy states that this document is posted on the District's Website, [www.guffeyfire.net](http://www.guffeyfire.net) for public reference.

Amy Mason acknowledges receipt of an email from the Concerned Citizens of the Guffey Community and that the Board understands their concerns and the Board would like to move through this in a positive direction.

Gene Stanley is addressing this "Letter from Concerned Citizens" which has also been circulated in the community. Gene read the letter. The letter is attached to these Minutes. Gene Stanley then expressly read the letter's line item # 3, "Park County Emergency Manager and former Guffey Fire Chief, Gene Stanley was appointed to the Fire Board". He states the possible implication could be that the County of Park or the Park County Emergency Management Department is somehow involved with this incident (appointment of Gene Stanley to the Board). Gene states that before he accepted the appointment to the Board he went to the Park County Administrator who is his boss and asked if this is a conflict of interest. He states he received the response that the County of Park has no problem with him accepting this appointment to the SPCFPD Board as long as it is made clear that the County of Park has no legal interest in the matter.

A question was asked of Gene Stanley by a community member, Betty Cain, if he knew about the appointment to the Board before Mike Simpson was terminated or after he was terminated. Gene responds after the termination. He also answered that he was not present at the Board meeting when Mike was terminated.

Community member, Mike Parrish, read from the By Laws of SPCFPD Board of Directors under Board of Director's Conduct, "In addition to a Conflict of Interest Disclosure requirement under CRS 18-8-308 a conflict of interest exists if a Board member is also a Manager, Director or similar executive officer of any other Emergency Services' provider association". Gene responds that the Emergency Manager is not an Emergency Services person. Mike Parrish stated that could be a matter of debate and they both agreed this is a matter for legal interpretation and decision.

- 10) **Chief's Report:** Report is given by Aaron Mandel, Acting Fire Chief. To date this year there has only been one traffic accident. States he became the Acting Chief on January 2<sup>nd</sup>.

On January 3, 2014 Aaron spoke with Chief Paul Mattson with South Park Ambulance District regarding medical staffing for our agency and also spoke with Maria who is in charge of the Com Center in Fairplay regarding communications issues and they agreed that SPCFPD would go back to using the Park County local channel and having our volunteers call out so we know who we have responding along with the goal of moving our private repeater tower in order to have better service and be able to get off the County's airways. Aaron developed a staffing recommendation which he will present to the Board this evening. Aaron developed a list of items to be addressed and submitted to the Board for their input. We now have a working list of the Department priorities.

Jan Breslin has agreed to allow the Department to move the radio tower to her property and has asked that the Department pay for the power for the tower. This should improve our communications as a fire department and therefore improve our county communications. Aaron completed the job descriptions which will be reviewed and is the next item on the Agenda.

On January 5<sup>th</sup> we were called out on a Traffic Accident on Hwy 9 at Mile Marker 32.8 and responded with the Chief's Truck and an Ambulance. It turned out that the call was in Hartsel's District.

Aaron developed a lesson plan for RT-130 an annual refresher for the wildland fire responders on Saturday, Jan. 11th. Part of the course is a pack test and there will be five or six individuals with red cards who could work on federal fires.

Gordon Scott, Mike Parrish, John Stride, Jim Yoder and Lawrence Epps have resigned from the Fire Department all of whom have been of value to the Department. Aaron met with Ric Turley who will be joining the Department and will be assisting with PR and helping the District move forward. Aaron talked with Chief Jay Hutchinson (Hartsel Fire) and worked on mutual aid arrangements to help cover our District during this transition when Aaron is called out as an EMT. During training on January 7<sup>th</sup> Aaron had a frank talk with the Department volunteers and was able to encourage two volunteers from resigning. The meeting was a success and Aaron received a very positive response from the remaining volunteers.

He finalized arrangements for the Volunteer Appreciation Dinner at the Bull Moose on January 16<sup>th</sup>.

Also spoke with Dave Baysinger about moving the tower. Aaron has not been able to get in touch with Doug Schellenger, our Com Officer to assist with moving the tower.

On Jan. 8<sup>th</sup> Aaron emailed Brenda Wasielewski, State Fire Management Officer and notified her of the Department changes and to notify her that due to the increase in his new responsibilities that some of his wildland duties will be slightly delayed.

Aaron is requesting Board approval for the purchase of new tires for the Chief's truck at an estimated cost of \$1500. Anita Long motions and Flip Boettcher seconds the motion to approve the purchase of new tires on the Chief's truck at the approximate cost of \$1500. The vote is unanimous. The motion passes.

- 11) **Job Description and Staffing Discussions:** Aaron also presents a plan to restructure the staffing of the Fire District. The first answer is to hire a new Chief at the same rate of approx \$70K (salary and benefits) and Aaron could resume his prior roll. A second option is to go on a pay per call system. This system would allow us to have at least one person available at all times to cover the District other than the Chief. A 48 hour shift on call at \$2.50 per hour amounts to \$120/48 hour shift and would be paid \$25 per hour if called in. The assumption is that there are approx 2.5 hours per response. This would be two EMTs and one Fire Fighter. This would provide 24 hour coverage seven days per week medical and fire coverage. Aaron proposes a staffing committee to include Aaron, Anita Long, another Board member and Donna West (one of our volunteers) who is also a South Park County Ambulance Paramedic who has requested to be a member on this committee providing her experience with a pay per call system. The committee would have a final recommendation for the Board at the February Board meeting. By mid February the Committee should have three candidates to recommend to the Board. The goal being that the committee recommendation is implemented at the March meeting. Aaron concluded, "I want to thank you for the opportunity to serve this board and our community. I am excited to see the progress we are already making and I am very positive for the future for our Department with whatever the committee decides."

Aaron read a statement to the Board and the Community as to how he was asked to become the Acting Chief. *"Last week I was approached by Chairwoman Amy Mason and asked if I would become Acting Chief if the Board were to terminate Mike Simpson. My immediate response was to say no and to resign so as to have my Chief's back. The job we do involves many dangerous situations and the only way we can perform this job safely is by working as a team. After much consideration, I realized that if I quit it would leave a hole in our community's emergency services, so I reluctantly agreed to take the position so we could continue to have our emergency services. I know I made the right decision and I will not look back. I understand why a few members have quit and I do not take it personally or hold it against them. However, by resigning from the department, they have not hurt me or the Board. The only people this hurts is our community. As I told one volunteer, "The lady who calls at two in the morning does not care if the Board is right or wrong or that you quit for moral reasons. She just wants someone to show up and help her." I asked my dad the first morning I was Acting Chief what I should do? He told me, "Go in there and be the best Chief you can be today." He also told me that as long as with every decision I make I ask myself, "Is this what is best for the community?", then I can't go wrong. While I'm here that is how I will do things. Thank you.*

Flip Boettcher has volunteered to be on the Committee. Anita Long motions to appoint the staffing committee and Jim Ivey seconds the motion. The vote is unanimous. The staffing committee will be comprised of Anita Long, Donna West, Flip Boettcher and Aaron Mandel. Anita Long states she has contacted SDA (Special District Association) and the staffing committee will provide samples of what other special districts are doing and whether an on call person can be a volunteer vs. a paid employee. Anita states the District is also working with Paul Mattson of South Park Ambulance

District, Candy Shoemaker of Cripple Creek Ambulance and Tim Dienst of Ute Pass Ambulance District who will be here for a meeting next Thursday Jan 16<sup>th</sup> to help redefine and improve our EMS services for the District.

- 12) **Volunteer Appreciation Update:** Aaron covered this in his Chief's report and will have the list of attendees submitted to the Bull Moose by Sunday. Rick Sheffel, community member, who is with Four Mile Fire District asked Aaron if the Mutual Aid Agreement with Four Mile will stay in place and Aaron responded that as far as he knew it will stay in place but he has not been able to get in touch with Chief Lance Crummet. Rick also inquired about the wildland training on Saturday, January 11th. He further states he is interested in the Pack Test to get his red card renewed but he has already taken the refresher course. Aaron responds that he can call Rick a half hour prior to starting the Pack Test so Rick can participate.
- 13) **Spring Cleaning Party:** Anita Long discusses a Station #1 Cleaning Party on Sunday January 12<sup>th</sup> at 10:00AM to prepare for our upcoming community events. Please bring your cleaning supplies and your smiles. Karen Frerichs has volunteered to clean and mop the floors on the following Tuesday.
- 14) **Newsletter Update from Rita Baysinger, PIO:** Rita Baysinger, Public Information Officer for SPCFPD. She has held the volunteer position since 2008. She attended a basic Wildland Fire class in September of 2008. She puts between 80 to 100 hours a year into the Newsletter and getting to events to take pictures. She states she has a lot of help from Flip who provides a lot of good material for the Newsletter through her work with the Flume and her position on the Board. I want to thank Flip for her help. The Newsletter is a little delayed this time. The Newsletter was officially finished yesterday. It will be mailed as usual. Rita states she would like to have letters to the editor. She would like ideas on what we would like to see in the Newsletter. She would like the Newsletter to be relevant to the community. She states she is a friend of Guffey's and would love to share information with the community. Anita Long states Rita is a trainer of PIO in Colorado Springs next week. Jan Breslin will be attending the training next week. Dave and Rita Baysinger put a Power Point presentation together for the Denver Radio Club for their Christmas Dinner in December. Rita has a lot of good pictures. She and her husband have both worked closely with the Denver Museum of Nature and Science. The presentation explains how a fire camp works and how we run an incident on a wildland fire. Dave talked about communications and Rita talked about everything else. Dave Baysinger helped the Guffey Charter School put on the webinar when Chris Peterson broadcast his webinar on schools throughout the country.
- 15) **Before Moving into Public Input:** Amy Mason announced a lot of exciting events are coming up at our Fire Station. The Auxiliary meeting is here tomorrow night at 7:00PM. Saturday, January 11<sup>th</sup> is our Wildland Training and Pack Test; next week on Thursday, January 16<sup>th</sup> we have our Interagency Work Shop following our special meeting. Also, other events coming up are the Volunteer Appreciation Dinner, Community Medical Prevention with our Physician advisors and Community Wildfire Prevention Training. The fire department IS the heart of our community and it involves our children, the auxiliary and every one of us and where we live. She stated, "It is our goal to make this community the safest place that we can be." She would like everyone to know that the recent changes were made with heartfelt decisions by the board with careful consideration with the very best intent for our District, community members, family friends and visitors. Amy said, "It was a very difficult decision for the board to do as we are all members of this community. It is a personnel matter and we cannot discuss the specific details, but we can talk about where we are going from here." At that point the meeting was opened for the board to hear the concerns and address the public questions.

**16) Public Input: Rick Sheffel** states he lives in Bear Trap and is now speaking as a resident within the District. When he looks at the short duration that Mike Simpson was in office he would like to ask what the Board learned in the hiring process that can be applied so you don't run into this kind of a situation again. **Amy** responded that the other Chiefs were long term residents and could come into a Deputy Chief's position and thereby be exposed to the Chief's position. When Chief Don Felton died that was very abrupt and very sudden. We had two Acting Chiefs that were appointed that held things together while we performed a search for a new Chief. **Gene Stanley** states we looked at 15 or 20 applicants and narrowed it down to about five candidates. The process was to bring the candidate and their wife in for interviews and spend a day or two in the community. We originally did make an offer to one candidate from Kansas and he did accept. Then he declined and we started up the process again. The Board is now putting this issue to the Staffing Committee so we can maintain our budget and we can provide the support and EMS services that we need.

**Norma Farmer** brought up the issue that she thought that the purpose was to bring in someone from the outside with a brand new set of eyes that didn't belong to the Board or any else. They were not a yes mam or a yes sir person. Now she sees that Mike didn't work because he didn't do what the Board requested and didn't follow through with communication and there were also a lot of personal conflicts that were stated in general. With all due respect she states she thinks that is the feeling of a lot of people.

**Betty Cain** states she seconds what Norma Farmer said. She asks how many Board members were women and how many were men when Mike was fired? Amy responds there were three women and one man. Betty states the one man resigned because he did not agree with it. Betty asks what is the Park County Dispatch which is a totally separate entity than the Board and what did they actually say that he was actually doing wrong? As far as Betty is concerned the Board could have had a witch hunt. **Aaron Mandel** responds that he did not talk with Maria about that and only talked about moving towers, etc. Betty states that the public pays the bills. She thinks this issue should have been brought to the community's input first. She asks where is your paper trail? Amy Mason responds that the paper trail started in September when we started having special public meetings and is in the minutes. Some on the floor disagree stating nothing was mentioned about the Chief in the special meeting minutes. Betty states she doesn't want to live in a community that has a witch hunt and fires someone for whatever reasons without the community knowing about it. She states it has got to be a community effort.

**Gordon Scott** states that nobody is safe not even the fire fighters. You pulled the rug out from under the Chief and if one of your fire fighters is hurt you could pull the rug out from under them too.

**Amy Mason** states through the open records act you can look in the records and you can see whatever was discussed and whatever we have. **Mike Fredregill** who is part of the legal counsel for the District stated through CORA you can request the paper trail that you are seeking. What you need to do is talk to the District appointed person and make the request to the District for the documents you are seeking. When asked who the District appointed person is he did not know. Mike further states that there are avenues to request those documents and if they aren't privileged which some discussions are privileged and if they are available they will be provided to you.

**Mike Parrish** states that all the minutes are there but what the Board is saying regarding Mike Simpson's issues are not part of the minutes. **Amy Mason** states that the minutes from the last meeting reflect everything that happened at that meeting. She also states if it was discussed in an Executive session then it would not be in the Public record.

**Gordon Scott** has the floor and reads a letter addressed to the Board from Flip Boettcher that he states is not in the Public record. **Mike Parrish** states the letter is from October 2013 and was given to these Board members and never put in public minutes and never spoke of. The letter states *"I have serious reservation about a Chief who would leave the District in the hands of untrained personnel (which is Gordon) because he doesn't want to do his job."* Gordon states he worked for this man and states he thinks Mike is a very conscientious and very dedicated man. Gordon continues to read the letter. *"A Chief who only wants to collect his pay and have others do his job to the extent that Fairplay has thoughts of shutting this Department down and giving Hartsel and Lake George each half of our District. I have reservations about a Chief who isn't even at the Fire Station on the days he is supposed to be there. I have reservations about a Chief who disregards basic fire fighter safety i.e. doesn't want to do hose testing, proposes ventilating a roof in a structure fire without training personnel."* "Isn't that what training is for Flip?" asks Gordon. *"Had a junior rescue attack in a structure fire without training personnel."* Gordon asks, "Who is trained? That is what training is for." *"I have reservations about a Chief who operates outside our guidelines."* Gordon asks "Who is operating outside the guidelines?" *"SOPS, SOGS, Policies, Procedures and doing things he has no authority or power to do or deliver i.e. PEP Points for his untrained duty officers."* Gordon states that she is talking about him and he takes great offense as she knows nothing about him. *"Officers who cover for him or a new truck for Aaron to respond in."* Gordon answers Flip wrote this letter back in October. *"I have reservations about a Chief who tries to bully and intimidate our volunteers into doing things for our Department."* Gordon states he didn't hit the Chief for bullying him. Gordon states he is an excellent guy to work for. *"I have reservations about a Chief who uses Department vehicles for his own personal use."* Gordon states that within Mike's employment contract he has that ability. *"We are used to our volunteers and chief being dedicated to serving our District and community and not shirking their duties and tasks."* Gordon asks if he has ever shirked his duties. He states he has one kidney, no colon, a big chunk out of his liver and five rounds of cancer. He further states that he busts his ass because he cares about everyone in this room and everyone not in this room. He states he goes the extra mile because Mike Simpson inspires him to do that as well as all of you. *"We are used to our Chief treating our Board and volunteers with respect and dignity and placing the fire fighters safety as a priority. We are used to a Chief who works within our guidelines following our SOP's, SOG's and Policies and informing the Board before he does things on important matters not after."* Gordon asks if anyone can address this. Gordon basically states this is not true. Someone from the floor states Mike Simpson is not part of the clique in this community.

**Rachel Wickersham** states she is new and that she finds it interesting that the language of the folks up front seems to be very caught up in themselves. The language does not mention the community first instead will first thank the Board and then the community. She further states there appears to be a lack of transparency with a small room full of people who are angry. She states if someone or the Chief messed up people should own it and move past it. She states the Board is not transparent. She states she does not feel people are getting any answers. **Gordon Scott** states that two weeks ago we had a viable, thriving department and on training nights we had people laughing and joking and when it came time to work and get on the trucks and equipment it was all hands to. He further states we had an increase in responders to page outs and he states he was contemplating completing Fire Fighter 1, EMT and Wildland course. He says he is not going to do anything anymore as he states he cannot trust the three on the Board. Gordon states there are approx 16 resignations or pending resignations. **Aaron Mandel** differs and states he only lost four people.

**Gordon Scott** continues to read the letter from Flip Boettcher. *"There have been some improvements in the Chief's communication with the Board but he continues to operate outside our guidelines. Can't*

*we as a Board whose primary objectives is to provide emergency services to our District afford to wait until the Chief gets up to speed before we shut down as a District? Do we have plan B? Aaron and Jan as co chiefs accepting Aaron's proposal and Jan as a Med Coordinator."* Gordon asks if this a set up? **Mike Parrish** reiterates that this letter was written by Flip in October. **Amy Mason** asks if she can clarify why this was not part of the Board. She states this is a note that was from a Board member and given to the previous chairman who worked diligently to try to make the employment arrangement work. This was never discussed at a meeting. **Mike Parrish** stated that this was copied and handed out at a Board meeting. He states that there were witnesses to that.

**Lisa Sackoris** stated that she came into the post office in the middle of December to mail her Christmas packages. Lisa stated she complimented Mike Simpson to Flip Boettcher. They had an issue with their road that it was too narrow for a fire truck to get up. If we have a fire up there we can't get fire vehicles up there. They approached Mike about it and within two days he had measured the road and was on top of the situation. Flip responded that she was glad to hear that. Flip further stated in the beginning it was a rocky start with him and we had considered firing him several times but he is doing a much better job now. Lisa states that those were Flip's exact words "He is doing a much better job now." **Richard Ballinger** states there were witnesses to that incident.

**Geri Salsig** stated she read in the Flume that Sam Calanni had resigned. She then read that there was a new Board and that Amy Mason became the Chair of this Board as well as that Amy and Anita Long were planning on leaving in May. Geri questions, "Since there is an election coming in May could this decision have been put off until there was actually an election by the community of the new Board rather than firing this man who bought a home and who moved here and is trying to do a decent job?" She further addresses that to fire him before there was an opportunity for the community to actually voice their concerns and their ideas by voting on a new Board who might be supportive of trying a new Chief and trying a new way. She states it is very upsetting to her that the community didn't have an opportunity to vote for a Board that may have a different view than you guys. She states she helped this man find a new home and she spent a great deal of time with him and she knows his heart was in the right place and he was trying to do a darn good job. She stated it was an absolute shock to her when she came home from Central America and find out the Chief is fired and the Board is going to have an election in May and there is nothing we can do about it because he is gone. That was a shock.

**Jim Smith** states that he has heard the Board's side but he has never heard Mike's side of the story.

**Mike Simpson** states he is advised by counsel not to make a statement. **Jim Smith** states that last week was the first time he heard anything about Mike Simpson. My wife, Roberta does the minutes but she doesn't know what happened. They call executive sessions but don't call her in to do the minutes. **Amy Mason** clarifies that every time the Board went into Executive session for personnel issues we gave Mike the opportunity of whether he wanted to do that or not.

**Jim Tubbs** asked Amy Mason to see a copy of why Mike Simpson was fired at the last meeting and she said yes twice and she showed him three or four items written in long hand why he was fired. Jim Tubbs asked Amy when she wrote the extensive document she read tonight and she responded she wrote it on January 7<sup>th</sup>. We wanted to give it to our training officers. **Amy Mason** states we cannot post our minutes until they are approved. **Ron Melvin** asked Amy if she knew she was going to fire the Chief at the last Board meeting. She responded, "No she did not." **Mike Parrish** stated Aaron knew he was going to be Fire Chief before the last meeting. Aaron responded he was approached by Chairwoman Amy Mason and asked if they fired Mike Simpson would Aaron become Acting Fire



Chief? **Amy Mason** states that they came to the January 2 Board Meeting with the information but she did not know how the other three people would vote. That was up to them.

**KC Ryder** states we have been given the facts of an upcoming election to put together a Board that can represent the community, a staffing committee to be planned for ideas to give us good coverage. etc. She asks what are the other facts we have that we can work on and the Public Information Officer could come up with a new plan for transparency that we can see here's what happening and here's the qualifications. Where we can get more meat? Where can we get more facts so we can go forward making the right decisions? **Amy Mason** responds by stating to come to the next meeting. **Betty Cain** answers we all need to get more involved and Betty states she plans to be more involved.

**Harry Gintzer** apologizes to the community because after having lung surgery he decided to visit family and that he was gone in September, October and November and he missed the special meetings. Those special meetings were supposed to be for the Board to sit with Mike Simpson and say here is what we think you might be doing wrong and could improve on. However, they appeared to be just another Board meeting by the minutes. Harry states he could only read the minutes after being gone. **Richard Horne** from the floor commented while you were gone they should have contacted you and since you were incapacitated they could have put somebody in your place. That is a way to make sure the Board is full. **Harry** stated apparently what he saw that must have taken place before Jan. 2<sup>nd</sup>. is I think so we could avoid the three person rule. If three people from the Board get together it is considered a Board meeting. Some discussions were held 1 to 1, and 1 to 1. At 5:00PM on January 2<sup>nd</sup>, Harry received a call to come to Amy's office for a briefing at 6:00PM on what would transpire and some issues that would come up at the meeting tonight. Basically what he got was a briefing of what they were doing. Harry asked do you realize what the impact would be on the community and he also stated he told her this could be a barn burning of a meeting. At that meeting after the vote Harry stated this was premature, unnecessary and drastic and he has deep concerns on what effect this would have on our Department, on the volunteers, on the Auxiliary and the community at large and I think you can see the results. Harry was asked if Amy Mason told him they were going to fire Mr. Simpson and Harry stated yes. Harry states that is the first time he has seen a written statement to make a motion which was probably previously prepared and that motions from the floor are usually spontaneous. The first motion Anita Long makes is read from a written statement probably prepared previously. He further complains that after the meeting break which Harry thought was totally unnecessary was to put a man in front of his community accompanied out of the room by two deputies to go get his personal effects. He states that could have taken place two days later. That was embarrassing. That night Harry claims he could not sleep and woke up sick and asked himself what have we just done to this man? We have ripped up his life and threw it in the trash. He is stuck out here in Guffey. Mike Simpson was Harry's guest resident for four months living in the motor coach and then lived in the house. We spoke every day. Harry observed him on calls at 2:00AM and gets up to get to work in time. He was doing the best he could and Harry does not think he got the proper transition he needed. Harry thinks they could have waited and talked about specifics with the community because sometimes the Board acts in ways that imply the Board works for themselves and not for the people and that is wrong. **Amy Mason** responds that the safety of the people in our community is our highest concern.

**Mike Parrish** states he was in the Fire Service for many years. The Board states that lack of communication was one of the main reasons that they fired Chief Simpson and they provide no documentation and no reasons other than their egos. Chairman Calanni met with Chief Simpson every morning five days a week every week except for a few days. This was routine sharing of information

with Board Chairman Calanni and Chief Simpson. How can you charge the Chief with not communicating? Mike Simpson also spoke with Harry Gintzer every day for four months.

**Mike Parrish** states another reason why you fired this Chief is due to an incident that happened on an ambulance which was low on bottles of oxygen putting this community and fire fighters at risk. That was Aaron Mandel's responsibility. This Board gave Aaron Mandel a paid position as Captain of Fire Station #1 which means this man was in charge of checking those bottles and checking the ambulances. Jan Breslin, EMT Medical Coordinator also has this responsibility. They listed that as a reason for firing Mike Simpson. Two months ago three of us witnessed the most chaotic, biased, favoritism Board meeting that Mike has ever had the misfortune to see in his life. In the middle of the meeting there was Doug Schellenger, Mike Simpson and I who were the only other ones present. and Roberta Smith said something and all of a sudden Aaron Mandel jumps up and starts screaming at Roberta. Not yelling but screaming. This Board never gaveled him down and never asked for order and just sat there as if this was routine business. Then Aaron took his badge and threw it as hard as he could on the floor almost hitting Doug and I. Aaron screams at Roberta more and I was about ready to get up because I was worried about what was going to happen. He goes out the door. Then Amy Mason goes outside and begs Aaron to please come back in and our new fire chief Aaron screamed at her "the Board needs to get their f'ing s...t together and you are the biggest bunch of f'ing." He yells in Amy's face and witnesses will prove it and then they come back in and do business as usual. This meeting was about a contract Aaron was presenting to this Board. About a week later at another meeting this Board not only gave him a paid position but gave him \$400/month more than what he asked for and also took him to the rank of Captain. Biased, unethical, unprofessional and absolutely has destroyed our trust as a community. Mike states that is the truth and you know it. Mike states he is sorry he had to say that.

**Jean Wade** states she has a letter here that states the seven reasons why you fired Mike and she has all the minutes from when he was hired up to December 19<sup>th</sup>. It is stated Mike has poor communication with the Board of Directors. In every one of these minutes there is a section where Mike is communicating to the Board what is going on. It is also stated Mike has poor communication with his co workers. It is again in the minutes that he is talking to his co workers. Another issue is continued conflicts regarding communication with Dispatch of Park County. Jean states that the only incident noted is that Amy received a phone call from Maria and she complained what was going on. Jean states if you are going to have a meeting put everything in the minutes. Don't just pick and choose what you are going to put in the minutes.

**Joe Rodriguez** states he was in management and that personnel matters are very delicate and we have a situation that is a no win situation and he would like to ask the Board to reconsider their decision since we are going to have an election coming up soon. He states he thinks taking the whole Board out would create division and that judging by the community response that we have a very serious difference of opinion and based on Mike Simpson's reaction that this is one of the things Joe fears is that we might be liable for a lawsuit. Whoever attracted the Chief to come here would be held liable. Joe really thinks that one way to move forward is to reconsider the decision and that way a new Board gets elected and Mike gets time to establish himself if he is willing to do that. He states let's not make the problem any worse than it is right now. Joe states he understands it is difficult to go back on a decision. Joe also states he thinks the Board acted in good faith. Joe states that the root cause is usually communication and that is what was a cause given tonight and also in the letter of January 7<sup>th</sup>. When you uproot someone to come to a location like this they are making a commitment and we are making a commitment and we ought to do everything just like Amy described that they were trying to

do but somehow it did not work as far as the community accepting it. The Board is who we have right now who is responsible for making decisions. If we remove the Board we will create some sort of a vacuum. If the Board could reconsider rescinding the decision and presuming that Mike would accept this decision this is the solution Joe is offering that would move us forward.

**Gene Farmer** states if we ask you as a community to reinstate Mike as Fire Chief could the Board give us the safety reasons why he shouldn't be Fire Chief. **Amy Mason** states they can petition the records through our attorney. Amy states the Board's hands are tied and **Mike Simpson's** hands are tied. **Mike Parrish states**, "You said the safety thing was the oxygen bottles and it wasn't his (Simpson's) responsibility, it was Aaron's. And he's the one that went to you with the bitch." The reason the Board made these decisions are solely based on Mike Simpson's actions and no one else on this Board and no one else in this Department. Gene states there is now a Board of five instead of three. **Mike Fredregill, Attny.** states it is on the advice of legal counsel that Amy cannot give the specific reasons. Gene asks the attorney could the Board reinstate Mike Simpson and the attorney states the Board has the discretion to make whatever decision that they would like to make. They have made a decision and they are asking for your comments and they are receiving them. The Board will have to discuss this and there are meetings that are on coming and this evening that is not on the Agenda.

**Geri Salsig** states she is with Joe Rodriguez and would like to know why we can't reinstate Mike Simpson until the election in May and if the new Board thinks that he is doing a terrible job they can fire him then. Things were going along and there is this training period and all of a sudden a few weeks after Sam is gone our Chief is fired and there is no hope that we can continue to train him nor can we continue to work with him and we have lost volunteers because of this firing. Why can't he be reinstated until the election and if this community thinks that you guys are doing a good job and we should move forward and he should leave then. She does not think that this was a fair decision without a full Board and asks if we could move this decision forward until May. If it is still a bad deal then get rid of him then. A motion is made from the floor to get a sense of the community by asking for a vote right now to proceed with what is proposing. Would you at least reconsider the termination and then you can report back to us at another meeting or go into an Executive Session. That gives you the ability to consider what you have heard from the community and go forward. A motion from the floor was taken to have a vote from the floor of those in support of this proposal. Roberta asks for hands that do not support this proposal? Lisa Sackoris states let the record reflect that it was it was a unanimous public opinion that Mike be reinstated immediately. Amy Mason states thanks for their public opinion.

**Jim Tubbs** asks the Attorney if this is legal. Attorney Mike Fredregill states the motion cannot come from the crowd but the record does reflect what you have indicated. Jim states he asked at the last meeting why did we fire the Chief. He did not get what he thought was anything good and I asked for back up and never got it. He asked Amy if this was a done deal and she said yes and he thinks it is a bad, bad deal for this community.

**Geri Salsig** asks that the pot not be stirred. We have a possible potential solution and let's see if we can make this work so that this community can leave here feeling like something happened that was positive. We can feel like we have some voice in what may happen with this Fire Department and with the SPCFPD and the money that we pay for taxes and that we might find a way out of this so this isn't just a hateful meeting of who done what wrong.

A question from **Michael Brandt** from the floor “Is there not a requirement for the Executive Session meetings to maintain audio minutes for at least 90 days and is those protected?” The **Attorney Mike Fredregill** responds in respect to the Executive Session when the Attorney is present those are not recorded. **Mike Brandt**, “All the personal matters and everything else have to be recorded. Those are part of the record and have to be maintained for 90 days and longer than 90 days if there is a request. You must have audio minutes of all those personnel meetings? Are those being retained?” The Attorney states they have all records. Anonymous from the floor asks, “That proposal to terminate had been discussed prior with someone with Esq. after their name and then had been prediscussed one on one?” Amy answers absolutely. Mike Fredregill states the Board can’t give the answers they desperately want to give because of legal counsel on the specifics of termination.

**Mike Parrish** states if Simpson were reinstated that would all be history. **Geri Salsig** states they cannot comment on personnel issues. The question right now is can he be reinstated until the May election and the new Board can make the decision about his adequacy. **Amy Mason** states they will discuss it. **Ron Melvin** states he had previously been on this Board for four years and he states he had to go to a class to be a Board member. Ron asks if any Board member has attended the class? Amy states that she has gone to the class. Ron Melvin states he had submitted his name to be on the Board but he was not asked and he has been on the Board before. Ron asks will Gene or Jim make the motion to reinstate tonight? **Amy Mason** responds the question was asked if any Board members will make a motion and Amy states they do not have a motion. **Jim Smith** requests let the record show that all the Board members refused to make the motion the people want. Rick Sheffel stated he was glad to see there are so many people who are willing to serve on the Board. Having been on different Boards in the past a lot of times you have a hard time finding people who want to do it. You have new people on the list that will be running on the Board. The two people you appointed to fill out the terms. He states he is familiar by reputation with Gene Stanley’s qualifications to make decisions and judging from Jim Ivey’s attire and patches and stuff you have fire experience also. He reads from the Mike Simpson termination letter, “The primary concern of this Board is providing responsible and reliable fire and emergency medical services to the members and visitors of our community.” He further states that he does not know what your three qualifications are in area of fire fighting or EMS or anything else but if you didn’t get counsel from somebody that does have those qualifications I think you made a serious error. You hired that man because of his qualifications and you should have deferred to him on anything regarding fire safety, EMS, etc.

**Richard Ballinger** asks Amy Mason which Board member is not up for re-election and Amy responds Flip. **Gordon Scott** states he has a list of interested parties who want to be Board members. Anyone who wants to sign it please see Gordon or he can pass it around. Amy Mason thanked everyone for coming and giving us your input.

#### **17) Executive Session with Legal Counsel:**

At this time Amy would like to move the District adjourn into Executive Session to discuss matters with the Attorney representing the District for the purpose of receiving legal advice on a specific legal questions on CRS 24-6-402 (4)(b) and the following additional details are provided for identification purposes. We are holding the Executive Session to receive legal advice regarding the termination of Mike Simpson. Amy asks if there is a second. Anita Long seconds the motion. Amy calls for a vote from the Board to go into executive session. Vote is unanimous. The District will adjourn into executive session as provided in the motion and take an electronic recording of the session to satisfy the open meeting law.

On this date, January 9, 2014, at this time 9:17PM, the District has voted to convene in an executive session. For the record I am Amy Mason, the presiding officer. Also present at this executive session are the following persons: Gene Stanley, Anita Long, Flip Boettcher, Jim Ivey, Amy Mason and our Attorney Mike Fredregill.

I caution each participant to confine all discussions to the state purpose of the executive session, and that no formal action may occur in the executive session.

If at any point during the executive session any participant believes that the discussion is going outside the proper scope of the executive session, please interrupt the discussion and make an objection.

The District's Attorney Mike Fredregill states: 'As the District's attorney, it is my opinion that the discussion of the matter announced in the motion to go into executive session constitutes a privileged attorney-client communication. I am therefore recommending that no further record be kept until the executive session has concluded'.

Amy Mason states the District's Attorney has recommended that no further record be kept of this executive session. The time now is 9:18PM and I am turning off this tape recorder at this time.

Amy Mason states the time is now 10:30PM and the meeting minutes should continue because the attorney-client communication is finished.

The executive session has been concluded. The participants in the executive session were Anita Long, Gene Stanley, Jim Ivey, Flip Boettcher, Amy Mason and Attorney Mike Fredregill.

For the record if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record.

Seeing none, the next agenda item is adjournment.

- 18) Adjourn:** Amy Mason moves that we adjourn this meeting and Jim Ivey seconds the motion. The meeting is adjourned at 10:30 PM.

**Respectfully Submitted by Roberta Smith, Secretary to the Board**

**(NOTE: These minutes are abnormally extensive and comprehensive to meet the requests of the community at this time. Every attempt has been made to report all statements as accurately as possible without actually creating a transcript. The SPCFPD Board of Directors welcomes comments from the public; however, anyone reading these minutes should remember that each statement is the personal opinion of the individual speaker.)**